

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

JESSE LEE BRESHEARS,

Plaintiff,

v.

PAUL MILNER, et al.,

Defendants.

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No. 04-4154-CV-C-NKL

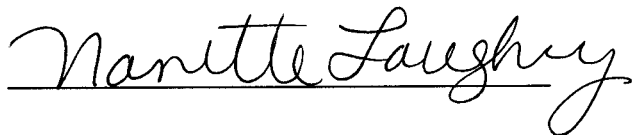
ORDER

On April 8, 2005, the United States Magistrate Judge recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$255.00 appellate filing fee, regardless of the outcome of the appeal. *Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that plaintiff's claims are dismissed, without prejudice, for failure to prosecute and failure to comply with court orders, pursuant to the provisions of Fed. R. Civ. P. 41(b).



NANETTE K. LAUGHREY
United States District Judge

Dated: 5-4-05
Jefferson City, Missouri